

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ANTHONY C. HERNANDEZ,
4 Plaintiff,
5 v.
6 M.S.R.H., et al.,
7 Defendants.

Case No.: 3:24-cv-00343-ART-CLB

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ORDER
(ECF No. 1)

On August 7, 2024, pro se plaintiff Anthony C. Hernandez, an inmate in the custody of the Eldorado Count Jail, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff did not include a financial certificate and the application itself is illegible**. It appears that Plaintiff's application to proceed *in forma pauperis* may be a copy of a copy. The names and signatures are completely illegible, appearing virtually blank. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by October 7, 2024**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 **inmate's prison or jail trust fund account statement for the previous six-month**
2 **period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 As explained above, Plaintiff's application to proceed *in forma pauperis* is
6 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
7 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
8 fee or file a new fully complete application to proceed *in forma pauperis* with all three
9 required documents.

10 **II. CONCLUSION**

11 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
12 is denied without prejudice.

13 It is further ordered that Plaintiff has **October 7, 2024**, to either pay the full \$405
14 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
15 required documents: (1) a completed application with the inmate's two signatures on page
16 3, (2) a completed financial certificate that is signed both by the inmate and the prison or
17 jail official, and (3) a copy of the inmate's trust fund account statement for the previous
18 six-month period.

19 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
20 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
21 to refile the case with the Court, under a new case number, when Plaintiff can file a
22 complete application to proceed *in forma pauperis* or pay the required filing fee.

23 The Clerk of the Court is directed to send Plaintiff Anthony C. Hernandez the
24 approved form application to proceed *in forma pauperis* for an inmate and instructions for
25 the same and retain the complaint (ECF No. 1-1) but not file it at this time.

26 DATED THIS 8th day of August 2024.

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UNITED STATES MAGISTRATE JUDGE